

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

OKUNO et al.

Atty. Ref.: 1035-652

Serial No. 10/590,822

TC/A.U.: unknown

Filed: August 25, 2006

Examiner: Unknown

For: SAMPLE TARGET HAVING SAMPLE SUPPORT SURFACE WHOSE  
FACE IS TREATED, PRODUCTION METHOD THEREOF, AND MASS  
SPECTROMETER USING THE SAMPLE TARGET

\* \* \* \* \*

August 1, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST (PETITION) TO WITHDRAW ABANDONMENT**

Sir:

Applicants hereby request (petition) to withdraw the holding of abandonment set forth in the Notification of Abandonment, dated July 7, 2008, (copy attached) for failure to respond timely to the Notification of Missing Requirements, dated April 26, 2007. The reason for this request (petition) is that the applicants' undersigned representative never received through regular mail channels a copy of the Notification of Missing Requirements. Thus, withdrawal of the abandonment holding is believed to be in order and such action is solicited. (See MPEP §711.03(c).I.A.)

In support of this request, the applicants' undersigned representative notes the following:

- (1) Upon receipt of the Notice of Abandonment dated July 7, 2008, it was observed that the subject application was abandoned because no reply was received in response to the Notification allegedly mailed on April 26, 2007.

- (2) Upon receipt of the Notice of Abandonment dated July 7, 2008, a review of the USPTO's PAIR system indicated that a Notification of Missing Requirements was allegedly mailed on April 26, 2007. However, after a careful review of the records, it became apparent that the applicants' representatives (including the undersigned) never received the Notification.
- (3) The undersigned has searched the file jacket and docket records relating to the instant application, and both evidence that the Notification dated April 26, 2007 was not received. A copy of the relevant computer-based docket record relating to this application is attached as Exhibit A evidencing that the Notification dated April 26, 2007 was not in fact received by undersigned. The attached docket record, last updated June 24, 2008, does not indicate any Notification having been received, but instead indicates a Call-Up to be done on August 25, 2008 to see if an Office Action, filing receipt or "Missing Requirement" has been received. Thus, the attached docket record clearly indicates that the Notification dated April 26, 2007 was not received by applicant's representatives.
- (4) **The Nixon & Vanderhye ("N&V") Docketing System and Its Reliability**

Applicant's representative, N&V has employed for at least the previous twenty years a docketing system whereby all correspondence received from the U.S. Patent and Trademark Office ("USPTO") through the US Postal Service is reviewed initially by a Docketing Specialist who enters the due date associated with such correspondence into a computer-based docket record. Another Docketing Specialist will verify the accuracy of the data entered into the computer-based docket record and will also manually enter into a separate paper Master Docket record the final due date associated with the USPTO correspondence. Thus, N&V docket records maintain the due date for patent applications in both electronic and paper form. Moreover, these docketing records collectively include, but are not limited to, the application serial

number, the attorney docket number, the mail date of the correspondence and the due date for the response to such correspondence.

The docketing system described above has proven to be highly reliable during the undersigned's tenure at N&V which began in 1999.

In this particular instance, had the USPTO correspondence of April 26, 2007 actually been received by N&V through the US Postal Service, there would have been an entry into the computer-based docket record. In addition, had such correspondence actually been received, an entry in the paper Master Docket record for November 26, 2007 (i.e., the final non-extendible due date for the April 26, 2007 correspondence) would also have been made.

##### **5. The N&V Master Docket Record**

As noted above, the N&V Docketing Specialists enter into a paper Master Docket record the final non-extendible due date for any USPTO correspondence received through the US Postal Service. Thus, since the April 26, 2007 correspondence set a non-statutory response due date of two (2) months from its mailing date, the final non-extendible due date would have been entered into the Master Docket record for November 26, 2007.

The Master Docket record for November 26, 2007 is attached hereto as Exhibit B. As can be observed, nowhere in the Master Docket record can a due date be observed attributable to the April 26, 2007 correspondence for the subject application.

In addition, as noted previously, the computer-based docket record (Exhibit A) for the subject application would have had noted receipt of the April 26, 2007 correspondence and its extendible 2-month due date of June 26, 2007. However, as the enclosed screen print of the computer-based docket record for the subject application reveals, no such information was entered therein.

And, as previously stated, a diligent search of the undersigned's other records related to the subject application, including the file jacket and the contents of the subject

application, evidence that for reasons unknown the correspondence of April 26, 2007 was not in fact received by N&V through the US Postal Service.

In view of the facts above, it is respectfully requested that the Notification of Abandonment dated July 7, 2008 be withdrawn.

A formal response to the Notification of Missing Requirements is being filed concurrently herewith. As such, there is no need to reissue the Notification with a fresh response due date as all issues are being addressed with the concurrently filed response.

It is believed that no fee is necessary in order to withdraw the abandonment status of this application. However, if the Office deems otherwise, then please charge the fees required per the deposit account charge authorization below.

#### **Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



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Patent: 1035-0652, United States, Utility Appln., PCT,  
Original Filing

## Patent Data

Docket Number	1035-0652	Attorney	Frank P. Presta
Country	United States	Attorney #2	
Case Type	Utility Appln.	Attorney #3	
Relation Type	Original Filing	Client Name	HARAKENZO
Filing Type	PCT	Assignee/Applicant	JAPAN SCIENCE/OSAKA PREFECTURAL
Filing Number		Client Reference No	RX03P17/US
Status	Pending	1st Filing/Priority Dt	2/26/2004
Transf/Abandoned		Transf/Aband Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application No.	10/590,822	Appln/PCT Date	2/24/2005
Grant No.		Grant Date	
PCT Number	PCT/JP05/03055	Publication Date	
Assigned		Ind. Claim Nos.	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Sender		Next Tax Date	
Sender (2)		Expiration Date	
Custom Party #3		Reel/Frame No.	
Customer No.	N & V	Custom Date #1	
Custom Party #5		Priority Doc No.	JP 2004-52521/JP 2004-52522
Custom Party #6		Custom Date #2	
Custom Party #7		Corresp U.S. No.	
Custom Party #8		Custom Date #3	
Associate Ref No		Corresp Foreign No.	
Custom Code #2		Custom Date #4	
Product		Text #5	
Product (2)		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	NHPP	Customer Name	Master Data Center

## Title

SAMPLE TARGET HAVING SAMPLE SUPPORT SURFACE WHOSE FACE IS TREATED, PRODUCTION METHOD THEREOF, AND MASS SPECTROMETER USING THE SAMPLE TARGET

## Description

### Current Expense Information

### Other Case-Related Information

#### Actions/Due Dates

Action	Action Due Date	Rolled Date	Mail Date/Completed Date	Action Notes
IDS Filed				
Filing Receipt (OFR)				
Missing parts filed				
Application Date (F)	8/26/2006		8/25/2006	
Office Action Rcvd?	8/25/2008			
Filing Receipt Recv'd?	8/25/2008			

Missing Reqmnt Rec'd? 8/25/2008

**Inventors**

**Inventor Name Inventor**

OKUNO, SHOJI

WADA, Y.

ARAKAWA, R.

OKUNO, N.

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CreateUser: LMS

CreateDate: 8/17/2006

*Copyright 2002 by Master Data Center, Inc.*

UpdateUser: YP

UpdateDate: 6/24/2008

NOVEMBER

26

MONDAY

2007 330th day - 35 days follow

NTC of Panel Del  
SCS 124-928 10/088,541 Appeal Brief (5X) Dates Reset per  
SCS 350-448 10/461,880 Appeal Brief (5X) 7/25/07  
SCS 540-368 10/182,904 Appeal Brief (5X) 6/26/07  
JRL 3772-37 10/590,937 MSG. PARTS (5X) 6/26/07  
BJS 1721-132 11/596,370 MSG. PARTS (5X) 11/19/07  
ECM 3781-22 11/127,655 MSG. PARTS (5X) 6-12-07  
BHD 11602-274 10/570,453 MSG. PARTS (5X) ABD  
MJS 160-544 11/129,982 MSG. PARTS (5X) 5-24-07  
MJW 1579-1148 11/591,675 MSG. PARTS (5X) 11-26-07  
MJW 117-621 11/720,659 <sup>See List</sup> MSG. PARTS (5X) 6/26/07  
ARL 4865 80 10/563,465 ~~RESP.~~ (5X) 6/25/07  
BHD 4271-110 File Prov. Appl (NOTEXT) 10/31/07

EXHIBIT B



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,822	Okuno	1035-652 FPP
23117		INTERNATIONAL APPLICATION NO.
NIXON & VANDERHYE, PC		PCT/JP05/03055
901 NORTH GLEBE ROAD, 11TH FLOOR		I.A. FILING DATE
ARLINGTON, VA 22203		02/24/2005
		PRIORITY DATE
		02/26/2004

CONFIRMATION NO. 2188  
371 ABANDONMENT/TERMINATION  
LETTER



Date Mailed: 07/07/2008

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 04/26/2007 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

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*Petition to Revive  
DATES DOCKETED*  
DUE Nov 26, 2008  
CR/July 12